



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 15, 1995

Ms. Barbara Nugent  
City Secretary  
City of Galena Park  
P.O. Box 46  
Galena Park, Texas 77547

OR95-1246

Dear Ms. Nugent:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36327.

The City of Galena Park (the "city") received a request for the names and addresses of city residents billed for ambulance transportation. The requestor also asked for the dates of service, where patients were taken by ambulance, the amount of each bill, and the dates of billing. We note initially that you told the requestor that the destination information was not "readily available to" the city and that the "billing service" has information as to the date of billing. When a city contracts with a private company, records kept in the offices of the private company, but which the city owns or has a right of access to, are public records. Gov't Code § 552.002(a). These records must be provided to the requestor.

The city apparently provided the requestor with a document showing the dates of service and amount of each bill, but with the names redacted. You assert that the names are protected from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 773.091 of the Texas Health and Safety Code.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 773.091(b) of the Health and Safety Code provides in pertinent part:

Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

The city submitted a copy of the responsive records to this office. The document at issue is a report showing billing information for the "First Responder" service. We assume that "First Responder" is an emergency medical service ("EMS"). The list contains names of individuals billed for services. If the names of the individuals billed are actually the names of the EMS patients, then the names are confidential pursuant to section 773.091(b).

We note that section 773.092(e)(4) provides for the release of EMS records to "any person who bears a written consent of the patient or other persons authorized to act on the patient's behalf for the release of confidential information as provided by Section 773.093."

Section 773.093 outlines the requirements for such written consent:

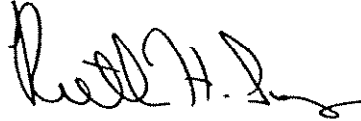
(a) Consent for the release of confidential information must be in writing and signed by the patient, a parent or legal guardian if the patient is a minor, a legal guardian if the patient has been adjudicated incompetent to manage the patient's personal affairs, an attorney ad litem appointed for the patient, or a personal representative if the patient is deceased. The written consent must specify:

- (1) the information or records to be covered by the release;
- (2) the reasons or purpose for the release; and
- (3) the person to whom the information is to be released.

Compliance with these statutory provisions would mandate release of EMS records. Open Records Decision No. 598 (1991). However, you indicate the requestor has not complied with these consent provisions. Thus, the names of EMS patients on the billing list must be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 36327

Enclosures: Submitted documents

cc: Ms. Jimmie Robinson  
1409 Craig Drive  
Galena Park, Texas 77547  
(w/o enclosures)